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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

09/18/2008

Cory G. Claassen
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

EXAMINER

CHEA, PHILIP J

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 09/18/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/671,180

09/24/2003

Gundrala D. Goud

42P16557

7211

TITLE OF INVENTION: VIRTUAL MANAGEMENT CONTROLLER TO COORDINATE PROCESSING BLADE MANAGEMENT IN A BLADE SERVER ENVIRONMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/18/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

09/18/2008

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Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/18/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHEA, PHILIP J	2153	709-224000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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CHEA, PHILIP J

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Los Angeles, CA 90025

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 881 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 881 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/671,180	GOUD ET AL.	
	Examiner	Art Unit	
	PHILIP J. CHEA	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an RCE filed June 17, 2008.
2. ☒ The allowed claim(s) is/are 1,3,4,6-11,13,14,16-19,21-25 and 27-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

Philip J Chea
Examiner
Art Unit: 2153

Art Unit: 2153

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jan Little-Washington 41,181 on September 9, 2008.

The application has been amended as follows:

IN THE CLAIMS:

Please see attached.

IN THE SPECIFICATION:

Please add the following paragraph **[0044]** to the end of the Specification.

[0044]In one embodiment, a machine-accessible medium provides instructions that, if executed by a machine, cause the machine to perform operations comprising activating a management mode of operation of a processing blade of a blade server, using a software proxy layer in a firmware unit to emulate a baseboard management controller and to interact with a chassis management module ("CMM") of the blade server during the management mode of operation to manage operation of the processing blade wherein the firmware unit having the software proxy layer is included in the processing blade, and deactivating the management mode of operation using a management mode interrupt handler.

2. The following is an examiner's statement of reasons for allowance: The prior does not teach nor render obvious each and every limitation of the claimed invention. Specifically the prior art fails to using a proxy layer in a firmware unit to emulate a baseboard management controller, wherein the firmware unit having the software proxy layer is included in the processing blade and activating the management mode of operation comprises saving state information of the processor and saving an execution location of the

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processor prior to entering the management mode of operation, and deactivating the management mode of operation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP J. CHEA whose telephone number is (571)272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Glenton B. Burgess/
Supervisory Patent Examiner, Art Unit 2153

Philip J Chea
Examiner
Art Unit 2153

PJC 9/10/08

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1. (Currently Amended) A method, comprising:
 - activating a management mode of operation of a processor on a processing blade, the processing blade included within a blade server;
 - using a software proxy layer in a firmware unit to emulate a baseboard management controller and to interact with a management module of the blade server during the management mode of operation to manage operation of the processing blade, wherein the firmware unit having the software proxy layer is included in the processing blade; and
 - deactivating the management mode of operation of the processor using a management mode interrupt handler,

wherein the management mode of operation of the processor is transparent to a pre-boot runtime of the processor and to an operating system runtime of the processor, and

wherein:

 - activating the management mode of operation comprises saving state information of the processor and saving an execution location of the processor prior to entering the management mode of operation, and
 - deactivating the management mode of operation comprises exiting the management mode of operation, loading the saved state information into the processor, and returning the processor to the saved execution location.
2. (Canceled).
3. (Currently Amended) The method of claim [[2]] 1 wherein the management mode of operation of the processor is further transparent to an operating system load sequence.
4. (Currently Amended) The method of claim[[2]] 1 wherein activating the management mode of operation of the processor comprises activating the management mode of operation in response to a software entity executed by the processing blade.
5. (Canceled).
6. (Currently Amended) The method of claim [[2]] 1 wherein the management mode of operation comprises one of a system management mode ("SMM") and a platform management mode ("PMM").
7. (Original) The method of claim 1, further comprising:

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activating a plurality of management modes of operation of a corresponding plurality of processing blades of the blade server in response to a corresponding plurality of software entities executing on each of the processing blades;

interacting with the management module of the blade server during each of the plurality of management modes of operation to manage operation of each of the plurality of processing blades; and
deactivating the plurality of management modes of operation.

8. (Original) The method of claim 7 wherein:

activating the plurality of management modes of operation comprises activating each one of the plurality of management modes of operation of each of the plurality of processing blades at an independent time, and

deactivating the plurality of management modes of operation comprises deactivating each one of the plurality of management modes of each of the plurality of processing blades at an independent time.

9. (Original) The method of claim 1 wherein interacting with the management module includes at least one of coordinating with the management module for access to shared resources of the blade server, reporting system errors to the management module, and coordinating fault resilient booting with the management module.

10. (Original) The method claim 9 wherein the shared resources include at least one of a floppy drive, a compact disc read only memory ("CD-ROM") drive, a DVD-ROM drive, a serial port, a parallel port, a universal serial bus port, a monitor, a keyboard, and a mouse.

11. (Currently Amended) A machine-accessible medium that provides instructions that, if executed by a machine, will cause the machine to perform operations comprising:

activating a management mode of operation of a processing blade of a blade server;
using a software proxy layer in a firmware unit to emulate a baseboard management controller and to interact with a chassis management module ("CMM") of the blade server during the management mode of operation to manage operation of the processing blade wherein the firmware unit having the software proxy layer is included in the processing blade; and
deactivating the management mode of operation using a management mode interrupt handler,

wherein the management mode of operation of the processing blade is transparent to a pre-boot runtime of the processing blade and to an operating system runtime of the processing blade, and wherein:

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activating the management mode of operation comprises saving state information of a processor of the processing blade and saving an execution location of the processor prior to entering the management mode of operation, and

deactivating the management mode of operation comprises exiting the management mode of operation, loading the saved state information into the processor, and returning the processor to the saved execution location.

12. (Canceled).

13. (Currently Amended) The machine-accessible medium of claim [[12]] 11, further providing instructions that, if executed by the machine, will cause the machine to perform the operations wherein the management mode of operation of the processing blade is further transparent to an operating system load sequence.

14. (Currently Amended) The machine-accessible medium of claim [[12]] 11, further providing instructions that, if executed by the machine, will cause the machine to perform the operations wherein:
activating the management mode of operation of the processing blade comprises activating the management mode of operation in response to a software entity stored in or on the firmware unit executing on the processing blade.

15. (Canceled).

16. (Currently Amended) The machine-accessible medium of claim [[12]] 11, further providing instructions that, if executed by the machine, will cause the machine to perform the operations wherein the management mode of operation comprises one of a system management mode ("SMM") and a platform management mode ("PMM").

17. (Previously Presented) The machine-accessible medium of claim 11, further providing instructions that, if executed by the machine, will cause the machine to perform operations comprising:
activating a plurality of management modes of operation of a corresponding plurality of processing blades of the blade server in response to a corresponding plurality of software entities stored in or on a corresponding plurality of firmware units executing on each of the processing blades;
interacting with the CMM of the blade server during each of the plurality of management modes of operation to manage operation of each of the plurality of processing blades; and
deactivating the plurality of management modes of operation.

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18. (Original) The machine-accessible medium of claim 11, further providing instructions that, if executed by the machine, will cause the machine to perform the operations wherein:

interacting with the CMM includes at least one of coordinating with the CMM for access to shared resources of the blade server, reporting system errors to the CMM, and coordinating fault resilient booting with the CMM.

19. (Currently Amended) A processing blade, comprising:

a processor to execute instructions;

a communication link communicatively coupled to the processor, the communication link to communicatively couple to a chassis management module ("CMM") of a blade server; and

a firmware unit having a software proxy layer communicatively coupled to the processor, the software proxy layer to emulate a baseboard management controller and to communicate with the CMM during a management mode of operation of the processor to coordinate operation of the processing blade with the CMM;

wherein the management mode of operation of the processor is transparent to a pre-boot runtime of the processor and to an operating system runtime of the processor, and

wherein:

activating the management mode of operation comprises saving state information of the processor and saving an execution location of the processor prior to entering the management mode of operation, and

deactivating the management mode of operation comprises exiting the management mode of operation, loading the saved state information into the processor, and returning the processor to the saved execution location.

20. (Canceled).

21. (Previously presented) The processing blade of claim [[20]] 19 wherein the firmware unit is to perform at least one of coordinating with the CMM for access to shared resources of the blade server, reporting system errors to the CMM, and coordinating fault resilient booting with the CMM.

22. (Original) The processing blade of claim 21 wherein the shared resources include at least one of a floppy drive, a compact disc read only memory ("CD-ROM") drive, a DVD-ROM drive, a serial port, a parallel port, a universal serial bus port, a monitor, a keyboard, and a mouse.

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23. (Previously presented) The processing blade of claim 21 wherein the [[VMC]] firmware unit to be invoked by a software entity executing on the processing blade, the software entity to invoke the firmware unit to request access to at least one of the shared resources of the blade server.

24. (Currently Amended) The processing blade of claim [[20]] 19 wherein the management mode of operation comprises one of a system management mode ("SMM") and a platform management mode ("PMM").

25. (Currently Amended) A blade server, comprising:
a chassis having a chassis management module ("CMM"); and
a plurality of processing blades supported within the chassis, each of the plurality of processing blades communicatively coupled to the CMM, each of the plurality of processing blades comprising:
a processor to execute instructions;
a communication link communicatively coupled to the processor, the communication link communicatively coupled to the CMM; and
a flash memory unit communicatively coupled to the processor and having stored therein a firmware unit having a software proxy layer, the software proxy layer to emulate a baseboard management controller and to communicate with the CMM during a management mode of operation of the processor to coordinate operation of each of the plurality of processing blades with the CMM;
wherein the management mode of operation of the processor is transparent to a pre-boot runtime of the processor and to an operating system runtime of the processor, and
wherein:
activating the management mode of operation comprises saving state information of the processor and saving an execution location of the processor prior to entering the management mode of operation, and
deactivating the management mode of operation comprises exiting the management mode of operation, loading the saved state information into the processor, and returning the processor to the saved execution location.

26. (Canceled).

27. (Currently Amended) The blade server of claim [[26]] 25 wherein the firmware unit of each of the plurality of processing blades is to perform at least one of coordinating with the CMM for access to shared resources of the blade server, reporting system errors to the CMM, and coordinating fault resilient booting with the CMM.

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28. (Previously Presented) The blade server of claim 27 wherein the processor of each of the plurality of processing blades activates the management mode of operation to execute the [[VMC]] firmware unit in response to a software entity, the software entity to trigger activation of the management mode of operation to request access to at least one of the shared resources.

29. (Original) The blade server of claim 28 wherein the shared resources include at least one of a floppy drive, a compact disc read only memory ("CD-ROM") drive, a DVD-ROM drive, a serial port, a parallel port, a universal serial bus port, a monitor, a keyboard, and a mouse.

30. (Original) The blade server of claim 25 wherein the management mode of operation comprises one of a system management mode ("SMM") and a platform management mode ("PMM").